PATENT

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

a below named inventor, I hereby declare that:

| My residence, post | office address and citizenship a | are as stated below, next to my | name. | |
|--|---|---|----------------------------|-------------------------------|
| and joint inventor (if a patent is sought of | riginal, first, and sole inventor (it f plural names are listed below) on the invention entitled STEM FOR PRESENTING FOI | of the subject matter which is o | or an orig | ginal, first, nd for which |
| the specification of | which | | | |
| | attached hereto. s filed on (MM/DD/YYYY)12 United States Application I or PCT International Application and was amended on (MM) | Number <u>10/731,696</u> cation Number | le) | as |
| | have reviewed and understand s), as amended by any amendn | | tified spec | cification, |
| in Title 37, Code of I hereby claim foreign application(s | duty to disclose all information k Federal Regulations, Section 1. gn priority benefits under Title 3: s) for patent or inventor's certificate for patent or inventor's certificate med: | 56. 5, United States Code, Section atte listed below and have also | 119(a)-(d |), of any below any |
| Prior Foreign Application(s) | | | Priority <u>Claimed</u> | |
| Number | Country | (Foreign Filing Date - MM/DD/YYYY) | Yes | No |
| Number | Country | (Foreign Filing Date - MM/DD/YYYY) | Yes | No |
| Number | Country | (Foreign Filing Date - MM/DD/YYYY) | Yes | No |
| I hereby claim the b provisional applicati | enefit under Title 35, United Sta on(s) listed below: | ites Code, Section 119(e) of ar | ny United | States |
| Application Numb | er (Filing Date – M | IM/DD/YYYY) | | |
| Application Numb | er (Filing Date – M | IM/DD/YYYY) | | |

| application(s) listed below an not disclosed in the prior Unit 35, United States Code, Sect be material to patentability as | d, insofar as the subject matter of ted States application in the man tion 112, I acknowledge the duty as defined in Title 37, Code of Fed | Section 120 of any United States of each of the claims of this application is mer provided by the first paragraph of Title to disclose all information known to me to deral Regulations, Section 1.56 which ion and the national or PCT international | | | | | | |
|---|---|---|--|--|--|--|--|--|
| Application Number | (Filing Date – MM/DD/YYYY) | Status patented, pending, abandoned | | | | | | |
| Application Number | (Filing Date - MM/DD/YYYY) | Status patented, pending, abandoned | | | | | | |
| I hereby appoint the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith. | | | | | | | | |
| Send correspondence to <u>Maurice J. Pirio</u> , Perkins Coie LLP, Patent – SEA, P.O. Box 1247, Seattle WA 98111-1247 and direct telephone calls to <u>Maurice J. Pirio</u> , (206) 359-8000. | | | | | | | | |
| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. | | | | | | | | |
| Full Name of First/Sole Inven | tor_Stratton _i C. Lloyd | | | | | | | |
| Inventor's Signature | All | Date//5/69 | | | | | | |
| Residence Seattle, Washing | aton Citiz City, State) | izenship <u>US</u> (Country) | | | | | | |
| Post Office Address 844 F | Gwinn Place | | | | | | | |

Seattle, Washington 98102

| Full Name of Seconda | Joint Inventor <u>Alexander Goldstei</u> | n | | |
|------------------------|---|-------------------------|-----------|--|
| Inventor's Signature _ | aus bolosten | Date | 1/20/2004 | |
| Residence Foster C | | _ Citizenship <u>US</u> | | |
| | (City, State) | • | (Country) | |
| Post Office Address _ | 641 Celestial Lane Foster City, California 94404 | | · | |
| | | | | |
| | | | | |
| | | | • | |
| | | | • | |
| • | | | | |
| | • | | | |

APPENDIX A

CHUN M. NG, Registration No. 36,878 STEVEN D. LAWRENZ, Registration No. 37,376 MAURICE J. PIRIO, Registration No. 33,273 JAMES A. D. WHITE, Registration No. 43,985

APPENDIX B

Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.